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June 29, 2023

Honorable Jesse M. Furman  
U.S. District Judge  
Thurgood Marshall United  
States Courthouse  
40 Foley Square  
New York, New York 10007

RE: Stacy Makhnevich v. Arrowood Indemnity Company et al.  
23-cv-1559 (S.D.N.Y) (JFM).

Dear Judge Furman:

I refer Your Honor to my letter dated today which was filed early this morning (Dkt. No. 38). Paragraph 7 therein asserts:

“The parties have exchanged emails regarding the use of alternative dispute (ADR) mechanisms. The Plaintiff has indicated a willingness to presently engage in settlement discussions before a Magistrate Judge, the Defendants are not willing to engage in any settlement discussions at this time although the Defendants would be willing to engage in ADR in the future should the Plaintiff produce any evidence that her claims have any potential merit.”

As set forth in said paragraph my clients have no interest in any settlement conference at this time, pending production of evidence by the Plaintiff showing her claims have any potential merit. The Plaintiff is a dentist, she defaulted on her dental school loans and my clients engaged in rightful attempts to collect the amounts paid by the Defendant Arrowood Indemnity Company (AIC) as the insurer of those loans. The Defendants have done nothing wrong and believe that the Plaintiff, who is highly litigious, is merely using this lawsuit as leverage against her debt owed to AIC.

As Your Honor knows, the Plaintiff failed to appear at the telephonic initial pretrial hearing today (which was rescheduled from June 8, 2023 at the request of the Plaintiff). After advising the Defendant attorney Timothy Murtha of the Plaintiff’s failure to appear this morning, he advised me that she has engaged in delay tactics in the underlying New York State lawsuit against her which names ACI as the Plaintiff therein.

Based upon all of the foregoing, the Defendants ask Your Honor to vacate the Order directing the parties to contact the chambers of Magistrate Judge Gorenstein to schedule a settlement conference.

Respectfully submitted,

/ s / *Robert L. Arleo*

Robert L. Arleo


RLA:gra

CC: Plaintiff via email

Defendants via email

Application GRANTED. Given Defendants' position, there appears to be no point in holding a settlement conference at this time. The order of reference to Magistrate Judge Gorenstein is hereby VACATED, although the Clerk of Court need not remove it from the docket. If and when the parties think a settlement conference would be useful, they should promptly inform the Court. The Clerk of Court is directed to terminate ECF No. 41 and to mail a copy of this endorsed letter to Plaintiff.

SO ORDERED.



June 30, 2023